

FILED

2018 JUN 28 AM 11:08

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**  
CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FL  
OCALA FLORIDA

**BRUCE FREDERIC NATHAN,** )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 **REPUBLICAN NATIONAL COMMITTEE;** )  
 **DEPARTMENT OF STATE, DIVISION OF** )  
 **ELECTIONS;** )  
 **REPUBLICAN PARTY OF FLORIDA;** )  
 **FOX NEWS NETWORK, LLC** )  
 )  
 Defendants )  
 )

CASE NO.  
5:18-cv-331-oc 30PRC

**JURY TRIAL DEMANDED(12)**

**COMPLAINT**

Comes now Plaintiff, BRUCE FREDERIC NATHAN, and in direct support of this Complaint, and through the various jurisdiction of this United States District Court provided for under Article I, Sections 1, 2, 4, 9, 21, 24, and 16 of the Florida Const.; Article III § 2 U.S. Const., 28 USC §§ 1331, 1343, 2201, and 2202, 18 USC §1965, and 18 USC § 1512, herein alleges, states, and provides the following: *Lex specialis derogat legi generali*

**NATURE OF CASE**

At its core, this case is about exclusion of candidates that have officially qualified with the State of Florida to be on the ballot, equating to “pay-to-play”, a form of illegal discrimination, favoring the heavily bankrolled privileged few and “anointed” party

establishment candidates, over those candidates without access to significant capital. This case is about preserving our republican form of government and giving voice to the people through a government that is established “of the people, by the people and for the people.”

## **PARTIES**

1. At all relevant times herein, Plaintiff BRUCE FREDERIC NATHAN principal office is located at 2336 SE Ocean Blvd, Suite 210 Stuart, FL 34996.
2. At all relevant times herein, Defendant REPUBLICAN NATIONAL COMMITTEE principal office is located at 310 First Street, SE, Washington, DC.
3. At all relevant times herein, Defendant DEPARTMENT OF STATE, DIVISION OF ELECTIONS principal office is located at Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250.
4. At all relevant times herein, Defendant REPUBLICAN PARTY OF FLORIDA principal office is located at 420 E. Jefferson Street, Tallahassee, FL 32301.
5. At all relevant times herein, Defendant FOX NEWS NETWORK, LLC principal office is located at 1211 Avenue Of The Americas, New York, NY 10036.

## **JURISDICTION AND VENUE**

6. This District Court of the United States has original, concurrent, extraterritorial, and supplementary jurisdiction over this cause of action. Plaintiff claims federal jurisdiction pursuant to Amendment I and Article III § 2 U.S. Const., 28 USC §§ 1331, 1343, 2201,

and 2202, 18 USC §1965, and 18 USC § 1512 which extends the jurisdiction to cases arising under the U.S. Constitution and U.S. Code.

7. The District Court of the United States is an Article III court with authority to hear questions arising under the Constitution, Laws, and Treaties of the United States, including but not limited to, the Bill of Rights, the First Amendment, the Ninth Amendment, the Eleventh Amendment, the original Thirteenth Amendment, the Fourteenth Amendment, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights, with Reservations. See the Article VI Supremacy Clause of the Constitution of the United States of America, as lawfully amended (hereinafter "U.S. Constitution").
8. This Court has well established authority to grant declaratory and equitable relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 and 2202, and pursuant to Fed. R. Civ. P. Rule 57.

### **GENERAL ALLEGATIONS**

9. Defendants discriminatorily provide public exposure to candidates. Fl. Const. Article 3, Section 11(a)(1)
10. Fox News Channel is a public forum since it is designed to provide a general public right of access to its use. Fl. Const. Article 2, Section 5(a)(g)(h)
11. Failure of the Defendants to cease discriminatory and unconstitutional conduct would likely call into question the integrity of the 2018 gubernatorial election process. *In favorabilibus magis attenditur quod prodest quam quod nocet*

### **Polling Results = Ad Spend**

12. Arbitrary polling cut-off thresholds only permit heavily bankrolled to participate in the democratic debate process, because there is a strong correlation between political ad spending and poll performance. This is evident in thousands of elections Nationwide, but in the two most recent contested Florida gubernatorial GOP primaries, the correlation in June is as follows:

a. June 2010: Scott: ~40% in 2 polls after \$15 million total spent on ads

b. June 2018: Putnam: 32% in 1 poll after \$11 million total spent on ads

Therefore, in order to achieve the FNC 10% threshold, candidates must have been able to pay a minimum of between \$3.5 to \$3.75 million for political ads, in order to “play” in the debate.

### **Media Meddling in Elections**

13. Fox News Channel discriminatorily favors “President Trump-endorsed” Ron DeSantis, as evidenced by both Fox News Channel’s statements and actions.

a. Three Fox News Channel anchors have openly endorsed DeSantis on the air: Laura Ingram, Mark Levin, and Sean Hannity, who has the largest cable news audience at Fox News Channel and the Nation.

b. Fox News Channel has exceeded campaign contribution thresholds by contributing an estimated \$7.3 million of dollars’ worth of free airtime to DeSantis:

- c. POLITICO: Fox News Plays Kingmaker in Florida Governor's Race - "Fox News has become a silo of the Fox/Trump media ecosystem, and DeSantis is on the list as one of their favorites."

### **The Florida Republican Party Complicit and in Conspiracy**

14. The Republican Party of Florida (RPOF) has through discriminatory practice, taken a passive approach and takes no action to advocate for all candidates equally to appear in the debate. RPOF's website asserts Fox News Channel decides, and RPOF has no say. Evidencing RPOF does not attempt to advocate for all candidates.
15. Plaintiff alleges RPOF either through gross-negligence or conspiracy with Fox News Channel chose to exclude "non-establishment outsider candidates", as discovery will prove.
16. The fact RPOF discriminatorily favors only the top 2 candidates in the debate, (sitting politicians it helped get elected and enjoys influence), is evidenced by its refusal to respond or communicate in any way with any of the other candidates, especially Bruce Nathan and his campaign which made multiple attempts to make contact over several days, including: receptionist on the RPOF main line, and Chairman Blaise Ingogala's personal cell, who refused to return calls or voicemails.
17. Formal request for copy for RPOF bylaws regarding equal treatment of candidates was made and receipt confirmed, with no response whatsoever.

### **Candidate's Potential Denied**

18. Bruce Nathan polled 13% in a scientific poll conducted by Gravis® which asked the respondents to view the policies and content of each candidates website: <https://www.dropbox.com/s/yvnlei3n3yhs6fo/Gravis%20Florida%2C%20June%2019%2C%202018%20v1.pdf?dl=0>
19. This result was impressive considering most respondents had not heard of Bruce Nathan, nor ever heard him speak or viewed any ads since he has not spend any ad money vs their millions. The FNC Debate Producer requested and was provided a copy of this poll, which demonstrates that Bruce Nathan is a viable candidate.
20. Ruling in favor of Defendants by this court would be sanctioning and promoting an electoral system whereby only those privileged few with access to massive capital can “buy” their way into office or be competitive in elections, especially in Florida which as a major swing state often determines the outcome in Presidential elections. Conversely, ruling in favor of Bruce Nathan would be sending a message that all officially qualified candidates are entitled to equal access to the same platforms to exercise their freedom of speech under the US Constitution’s First Amendment, regardless of financial assets or capabilities, and allowing for a more free and fair election process, devoid of any discrimination or media meddling.

## **FIRST CAUSE OF ACTION**

### **Amendment I: Constitution of United States**

21. This Honorable Court has jurisdiction to hear this cause of action. Plaintiff incorporates paragraphs 6 – 20 above by reference.

22. The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition the government for redress of grievances.
23. The intentional conduct of the Defendants in this case, has deprived Plaintiff this basic right that is essential the republican character of our government by depriving him equal time provisions and excluding him.
24. More importantly, the intentional conduct of the Defendants of this case deprives the public at large, the Citizens of the State of Florida, of expressing their will and freedom of expression and who they want to represent them in highest executive office of the State of Florida. Floridians are deprived their right of free speech, by depriving them a full field of candidates, through discriminatory, unconstitutional, and conspiratorial conduct.

## **SECOND CAUSE OF ACTION**

### **Federal Communications Act, 47 U.S.C. § 315(a)**

25. This Honorable Court has jurisdiction to hear this cause of action. Plaintiff incorporates paragraphs 6 – 20 above by reference.
26. Fox News Channel has scheduled a gubernatorial debate for live airing on Thursday, June 28, 2018.
27. Such a debate initiated by a broadcaster is subject to the equal time provision of 47 U.S.C. § 315(a). Pursuant to 47 U.S.C. § 315(a):

(a) Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities If any licensee shall permit any person who is a

legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any-

28. Exclusion of Plaintiff from debate and equal time equates to discriminatory censorship.
29. In an effort to further discriminatory, unconstitutional conduct and conduct in violation of 47 U.S.C. Defendant Fox News Network, LLC did not announce who the debate candidates would be until approximately 6:00PM on June 22, 2018. Such short notice effectively precludes injunctive relief such as that sought herein.

### **Requested Relief Damages**

30. Plaintiff seeks only equitable relief in this matter on all causes of action;
31. Plaintiff be properly included in all debate activities;
32. Plaintiff be afforded the same and equal air time as is given freely and without charge to other candidates.

**WHEREFORE PREMISES CONSIDERED, PLAINTIFF PRAYS UPON THE COURT TO ISSUE EQUITABLE RELIEF AS FOLLOWS:**

1. For this complaint to be filed and causing a summons to be issued upon the Defendants;
2. For equitable relief to be granted without delay.



Respectfully submitted,

/s/Christopher Edward Hallett

CHRISTOPHER EDWARD HALLETT, ESQ  
E~Clause@ LLC, (CEO)  
(Lic. No. 443079 / Bar No. 03202154)  
(Florida Notary No. GG154748)  
16062 South West 34 Court Road  
Ocala, Florida, 34473

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via email and US Mail to;

Republican National Committee  
310 First Street, SE,  
Washington, DC, 20003

Republican Party of Florida  
420 E. Jefferson Street  
Tallahassee, FL 32301  
850-222-7920

Department of State  
Division of Elections  
Room 316, R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
DivElections@dos.myflorida.com  
850-245-6200

Fox News Network, LLC  
1211 Avenue Of The Americas  
New York, NY 10036  
212-301-3000

On this the 27<sup>th</sup> day of June, 2018

/s/Christopher Edward Hallett  
CHRISTOPHER EDWARD HALLETT, ESQ